

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on April 22, 2002, made Final. Claims 1-17 are standing for examination. Claims 1, 3-7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479) hereinafter Guy. Claims 2, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy in view of Andrews et al. (US 5,848,143) hereinafter Andrews.

In response to the Examiner's rejections, objections and statements, applicant herein makes a small amendment to independent claims 1 and 17 to clarify the claim language. Applicant also presents strong arguments to more particularly point out the subject matter regarded as patentable by the applicant, distinguishing unarguably over the references of Guy and Andrews.

The Examiner states that Guy discloses a system and method for transmitting packets across a wide area network (WAN) from a local phone coupled to a computer e.g. PC-Phone, comprising at least two PC phones 103/105 and 143/145 (*Internet capable call appliances*) located in different locations; a first router 114 coupled to the PC phone 103/105; a second router 132 coupled to the PC phone 143/145; and a WAN network for connecting between the two routers.

Applicant respectfully points out that all of applicant's independent claims recite that IP calls are managed between one Internet-capable call appliance originating an IP call, terminating at an end destination to another Internet capable call appliance. The Examiner states that Guy discloses a system and method for transmitting packets across a wide area network (WAN) from a local phone coupled to a computer e.g. PC-Phone. Applicant points out that what is claimed is not communication from a local phone to a PC-phone. Applicant claims communication between two Internet-capable appliances. In order for the art of Guy to even begin to read on applicant's claimed invention a clear teaching must

be provided in Guy showing communication between PC-phone 105 and PC-phone 145 in Figure 1. There is no such teaching in the art of Guy.

The Examiner continues to state Guy discloses that the calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call set up between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct.

Applicant argues that the Examiner's above statement is irrelevant to the claimed limitations of applicant's invention. There is no teaching in the art of Guy wherein calls are placed between 103/105 and 143/145. Applicant argues that whether or not the legs described above are separate and distinct is irrelevant because communication does not take place between two Internet-capable appliances on said legs.

Applicant points out to the Examiner, as previously argued, that the call appliances and routers 103/105, and 143/145 of Guy do not communicate with each other. Each of said call appliances in the art of Guy place calls to destination telephones on the PSTN (col. 6, lines 36-37). Applicant's claim 1 specifically recites; "wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances...".

The Examiner responds to applicant's arguments on page 4 of the Office Letter stating that Figure 1 of Guy shows call appliance 103/105 connected to router 114 communicates with call appliance 143/145 connected to router 132 via interface 123. The Examiner continues to state that in col. 5 lines 66 to col. 6 line 35, Guy discloses there is additional necessary step must be performed if the destination call is for phone 142 connected to PSTN 140.

Applicant herein reproduces the portion of Guy relied upon by the Examiner below:

"The present invention is a system and method for enabling aural signals, e.g.,

voice signals, facsimile (fax) signals, and modem signals, to be generated and transmitted from a telephone, e.g., a PC-phone, to another telephone that is coupled to a PSTN 140, by having a GU 101B coupled to the PSTN 140 where the GU 101B allows communication between a phone 142 connected to a PSTN 140 and another phone or PC-phone connected to LAN 134 or LAN 116 over WAN 104. The GU 101 is located in either a file server 122 coupled to a computer network or in a personal computer coupled to a first local configuration 102A. The file server 122 performs a setup operation to prepare a connection between two aural signal generation devices, e.g., between the PC-phone system 103/105 in the first local configuration 102A and a destination telephone, i.e., a second telephone 142, in a second local configuration 102B. If the PC-phone system 103/105 initiates a call, the computer 103 sets-up the connection, converts the received aural signals into digital signals and compresses the digital signals, as described below. An example of a PC-phone system is VocalTec's Internet Phone that is commercially available from VocalTec Ltd., Northdale, N.J. Packets are generated from the compressed digital signals and these packets are transmitted to the router 114 via the network connection 113. The router 114 transmits the packets across a wide area data network (WAN) 104, e.g., leased lines, frame relay, or the Internet, and the packets are received by the second router 132 in the second local configuration 102B. The second router 132 transmits the packets to the destination server 122. The gateway unit 101B in the destination server 122 converts the compressed digital signals in the packet into analog signals that utilize the PSTN signal protocol or the PBX signal protocol for the second local configuration 102B and transmits the signal to the (target) second telephone 142 that is connected to PSTN 140 or telephone 129 connected to PBX 128."

Applicant points out that there is absolutely no teaching in this portion of Guy of calls being placed between two Internet-capable appliances. Communication in Guy always takes place between a phone connected to a computer 103/105 and a PSTN or PBX connected phone 142 or 129.

Applicant believes that the response to applicant's argument provided by the Examiner is not responsive to the actual argument provided by applicant. Applicant points out to the Examiner that he has still not provided art wherein calls are placed between two Internet-capable call appliances wherein one appliance is the originator of the call and one call appliance is the destination for the call.

Applicant respectfully points out to the Examiner that in every embodiment of Guy, calls originating from PC phone 103/105 terminate at PSTN connected telephone 142. Calls are not placed from PC Phone 103/105 to PC Phone 143/145 in the art of Guy.

Applicant argues that Guy discloses a system and method for enabling aural signals, e.g., voice signals, facsimile (fax) signals, and modem signals, to be generated and transmitted from a telephone, e.g., a PC-phone, to another telephone that is coupled to a PSTN 140, by having a GU 101B coupled to the PSTN 140 where the GU 101B allows communication between a phone 142 connected to a PSTN 140 and another phone or PC-phone connected to LAN 134 or LAN 116 over WAN 104. Applicant argues that the gateway unit 101B is not the end destination at which a call originating from 103/105 terminates. Gateway 101B of Guy translates data packets to analog for phone 142 via the PSTN, or to phone 129 or fax 130 via PBX 128. The Examiner is assuming that because there appears to be a connection in Fig. 1 of Guy between PC phone 103/105 in local configuration 102A to PC phone 145/143 in local configuration 102B that the units are communicating with each other wherein one PC phone is the originator of the call and the other PC phone is the end destination. Applicant argues that the art of Guy does not disclose communication between two IP call appliances as claimed in applicant's invention.

Applicant's background portion describes that in a typical scenario, data-router gateways (nodes) are set-up in an IP network for point-to-point connection between nodes. Nodes local to communications centers are connected to telephony switches (usually a PBX) at respective communication centers.

Typically, such IP technology only replaces switch-to-switch telephony trunking in this scenario. Applicant argues that the described prior art in applicant's specification amply, and fully describes the invention of Guy. The art of Guy is the prior art that the invention improves upon.

Applicant argues that in the art of Guy, setup between the originating call appliance and the destination call appliance requires, in each instance of connection, setup from source to final destination each time a connection is needed. Because IP telephony uses shared bandwidth as opposed to having a COST dedicated connection, capacity is wasted with multiple channel establishment, and quality of service (QoS) associated with IP calls over the connection may be degraded if there are many such calls. This is true in a COST integrated IP network, as well as in an IN (true IP).

Applicant's invention as claimed provides manipulation of established call legs in order to provide telephony functions in the IP network. Applicant's invention accomplishes this by providing software setting up and maintaining separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining the legs to establish voice communication and to provide telephony functions, for example call waiting, between said IP call appliances.

Applicant argues that the art of Guy fails to provide any teaching or suggestion of manipulating established call legs in order to provide telephony functions. Applicant argues that if any one of the connections between calling devices, routers or gateways in the art of Guy are disconnected *the entire connection fails*. There are no established and maintained call legs in the art of Guy, which may be manipulated independent of any other call legs without degrading the entire connection therefore requiring the call setup beginning the origination point of the call. Guy discloses a call setup/tear-down unit 404 performing and controlling the call setup procedure and the call tear-down procedure. Guy has absolutely no teaching wherein the unit 404 establishes and maintains end node legs and intermediate legs, wherein those legs are

manipulated, independent of each other, in order to complete connections between two IP enabled call appliances. The Examiner, to make a prima facie rejection, must provide a reference with this teaching, or clearly show in Guy where and how this occurs (which it does not). Applicant points out that the Examiner did not respond to the above argument and formerly requests a response in the next Office Action.

Claim 1 is clearly patentable over the art of Guy as argued above. Independent claims 7, 13 and 17 include similar patentable limitations argued on behalf of claim 1 above. Dependent claims 2-6, 8-12, and 14-16 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art of Guy, and over Guy in combination with any of the cited art, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Version With Markings to Show Changes Made

In the claims:

1.(Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:

two or more IP routers interconnected with at least two Internet-capable call appliances on the network; and

software managing setup and execution of IP calls between the two or more Internet-capable call appliances through the routers;

wherein IP calls are managed between one of said call appliances originating IP calls, wherein the IP calls terminate to an end destination of another of said call appliances by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions between said call appliances.

17. (Amended) A system for simulating connection-oriented telephony functions in an IP network, comprising:


two or more IP routers interconnected with two or more Internet capable call appliances on a network; and

software managing setup and execution of IP calls between said call appliances through the routers;

wherein IP calls are managed by the software by setting up call legs between said call appliances and routers, and between routers, which can then be manipulated, disjoined and joined to establish voice communication and to provide telephony functions between said call appliances wherein one of said call

appliances is the originator of the IP calls and another of said call appliances is the end destination of the IP calls.

Respectfully Submitted,
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